

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KATHLEEN MARTIN,

Plaintiff,

-v-

CITIBANK, N.A.,

Defendant.

24 Civ. 3949 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On June 27, 2024, defendant filed a motion to dismiss the complaint under Rule 12 of the Federal Rules of Civil Procedure. Dkt. 15. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that plaintiff shall file any amended complaint by July 18, 2024. No further opportunities to amend will ordinarily be granted. If plaintiff does amend, by August 8, 2024, defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiff, stating that it relies on the previously filed motion to dismiss.¹

It is further ORDERED that if no amended complaint is filed, plaintiff shall serve any opposition to the motion to dismiss by July 18, 2024. Defendant's reply, if any, shall be served by August 1, 2024. At the time any reply is served, the moving party shall supply the Court with a courtesy copy of all motion papers by attaching them as PDF files to a single email addressed to EngelmayerNYSDChambers@nysd.uscourts.gov.

¹ If defendant files a new motion to dismiss or relies on its previous motion, plaintiff's opposition will be due 14 days thereafter, and defendant's reply, if any, will be due seven days after that.

SO ORDERED.

A handwritten signature in blue ink that reads "Paul A. Engelmayer". The signature is fluid and cursive, with the first name "Paul" and last name "Engelmayer" clearly legible.

PAUL A. ENGELMAYER
United States District Judge

Dated: June 28, 2024
New York, New York